

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM HILL, Inmate #B-39228,

Plaintiff,

vs.

**ILLINOIS DEPARTMENT OF
CORRECTIONS, DANIEL AUSTIN and
BILLY GROANING,**

Defendants.

CIVIL NO. 07-cv-563-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Plaintiff is an inmate who is subject to the three-strikes ban. *See* 28 U.S.C. § 1915(g). Although he was granted leave to proceed *in forma pauperis* in this action, the Court later found that he was not so entitled for three of his four claims, as those claims did not support a finding that he was in imminent danger of serious physical injury. In an order entered July 25, 2008 (Doc. 14), the Court dismissed those three claims without prejudice to bringing those claims in a fully pre-paid lawsuit.

In that same order, the Court found that Plaintiff's final claim, involving lack of treatment for a chronic mouth infection, did support a claim that he is in imminent danger of serious physical harm. However, Plaintiff did not make allegations against any specific defendant regarding his dental care. Accordingly, that claim was also dismissed without prejudice, and Plaintiff was granted leave to file an amended complaint within 30 days. Instead of filing an amended complaint as directed, Plaintiff filed a notice of appeal. That appeal has now been dismissed for Plaintiff's failure to pay the appellate filing fees (Doc. 21).

During the pendency of his appeal, Plaintiff filed a motion to amend his complaint (Doc. 19), which was denied for lack of jurisdiction (Doc. 20). With that motion, however, he had submitted an amended complaint as directed by the Court. The Clerk is **DIRECTED** to **FILE** Plaintiff's amended complaint.

IT IS SO ORDERED.

DATED: September 29, 2008.

/s/ David R Herndon

CHIEF JUDGE

UNITED STATES DISTRICT COURT